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Attorneys for Plaintiffs FRANK CISNEROS,
BEATRICE CISNEROS, AND KASI CISNEROS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**FRANK CISNEROS, BEATRICE
CISNEROS, and KASI CISNEROS,**

Plaintiffs,

v.

**SGT. T. CURTIN, DET. G. PON,
OFFICER J. LUNA, OFFICER K.
DEBLASI, OFFICER J. LOUIS,
OFFICER R. ONCIANO, and DOES 1
through 50,**

Defendants.

Case No. C 07-02788 JCS

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

DATE: January 18, 2008
TIME: 1:30 p.m.
DEPT: Ctrm. A, 15th Floor

The parties hereby submit their Joint Case Management Statement.

Discovery Status:

Plaintiffs have deposed Sgt. Curtin, Sgt. Louis, and Officer DeBlasi. Defendants have deposed Kasi Cisneros. Written discovery and third party document discovery has been conducted. Defendants conducted a site inspection with their expert.

The depositions of Beatrice Cisneros, Frank Cisneros, Jr., and Frank Cisneros are on calendar.

Additional Dates Requested:

The parties agree to the following additional dates:

March 18, 2008 – Expert disclosures

April 11, 2008 – Non-expert discovery cut-off

April 18, 2008 – Expert discovery cut-off

Motions:

Defendants intend to move for summary judgment on January 25, 2008 (with a hearing date of February 29, 2008). Defendants believe the motion will eliminate most, if not all, of plaintiffs' claims because defendants assert the undisputed facts will establish: (1) the search conducted pursuant to the search warrant was lawful, (2) the officers are entitled to qualified immunity, and (3) the state law claims against the officers are time-barred and subject to tort immunities. As for Sgt. Curtin shooting the dog, defendants assert that plaintiff Kasi Cisneros' deposition testimony is sufficient for a finding of qualified immunity on summary judgment, even though there is a disputed issue of fact as to whether Ms. Cisneros was holding onto the dog's collar at time it was shot. In Kasi Cisneros' deposition, she admitted the dog "lunged" at Sgt. Curtin with such force that the dog "yanked" her forward, was barking, may have been showing its teeth, was up on its hind legs, and was supposedly doing its job by getting in between Ms. Cisneros and Sgt. Curtin. Defendants contend that even if the sole issue of shooting the dog is not summarily adjudicated on qualified immunity, the balance of the case should still be summarily dismissed by motion.

Settlement and ADR:

ADR was continued from early December to January 3, 2008 by prior Stipulation and Order. Defendants submitted their ENE brief and documents and were ready to proceed. However, on January 2, 2008, plaintiffs' counsel unilaterally informed the evaluator and defense counsel he could not attend the ENE due to trial preparation in another case. A new date for the ENE has been set for February 6, 2008 at 10:00 am. The parties stipulate that the ENE may proceed at that time and request that the court approve the stipulation.

A mandatory Settlement Conference is set for May 2, 2008.

Trial:

Trial is set for May 5, 2008. Plaintiffs request a jury. Depending on the summary judgment motion, witnesses may include the nine parties, other persons present during the search, police procedure expert(s), ballistics expert(s), an expert on pit bulls, and possibly plaintiffs' mental health care providers and defense expert(s) on mental health. There will likely be less than 50 exhibits.

RESPECTFULLY SUBMITTED,

ZACH COWAN, ACTING CITY ATTORNEY
MATTHEW J. OREBIC, DEPUTY CITY ATTORNEY

Dated: January 11, 2008

By _____/s/
Matthew J. Orebic
Attorney for Defendants SGT. T. CURTIN,
OFFICER G. PON, OFFICER J. LUNA, OFFICER K.
DEBLASI, OFFICER F. ONCIANO, AND SGT. J. LOUIS

LAW OFFICES OF JOHN E. HILL

Dated: January 11, 2008

By _____/s/
John E. Hill
Counsel for Plaintiffs FRANK CISNEROS,
BEATRICE CISNEROS, AND KASI CISNEROS